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OFFICE OF PETITIONS

In re Application of
Jun Tabota
Application No. 09/973,600
Filed: October 9, 2001
Attorney Docket No. P/1071-1493

ON PETITION

This is a decision on the petition to withdraw the above-identified application from issue pursuant to the provisions of 37 CFR 1.313(c)(2), filed January 26, 2004. The petition was recently referred to the Office of Petitions for consideration.

The petition is GRANTED.

Petitioner requested that the application be withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

In reviewing the record of this application, it is noted that, although the petition to withdraw from issue had not been acted upon by an appropriate official of the U.S. Patent and Trademark Office (PTO), the PTO nevertheless processed the RCE and issued a new Notice of Allowance on April 28, 2004. It is also noted that in response thereto. Consequently, this petition to withdraw from issue is being treated as having been granted prior to the mailing, on April 28, 2004, of the second Notice of Allowability and Notice of Allowance and Issue Fee Due.

The application is being forwarded to Publishing Division for further processing of the 85(b) and the request filed July 27, 2004 to reapply the previously paid issue fee towards payment of the issue fee due on the RCE filed January 26, 2004.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-9220.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy